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FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

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CV-05-PT-1648-M

U.S. DISTRICT COURT
N.D. OF ALABAMA

Inmate Identification Number:

NOTICE TO FILING PARTY

It is your responsibility to
notify the clerk in writing
of any address change.

Failure to notify the clerk
may result in dismissal
of your case
without further notice.

Daniel Dean Emerson

(Enter above the full name(s) of the plaintiff(s)
in this action)

vs.

Terry Surles (sheriff)

Terry Marcum (Jagt Admin)

Myrtis Moss (Capt)

(Enter above full name(s) of the defendant(s)
in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No (X)
- B. If your answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s):

Defendant(s):

2. Court (if Federal Court, name the district; if State Court, name the county) _____
3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

Place of present confinement

Ashville, Ala St. Clair County Jail
P.O. Box 549, Ashville Ala 35953

A. Is there a prisoner grievance procedure in this institution?

Yes () No (X)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes () No (X)

C. If your answer is YES:

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not?

No procedure in place
at either St. Clair County Jails, Pell City / Ashville
Alabama

Parties

In item (A) below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Daniel Dean Emerson

Address P.O. Box 549 Ashville, Ala 35953

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant TERRY SURLS

is employed as Sheriff

at St. Clair County, Pell City Ala

C. Additional Defendants TERRY MARCRUM - jail admin. Ashville/Pell City

Myrtis Moss as Capt St. Clair County
jail at Pell City, Ala

V. **Statement of Claim**

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

Terry Surlis as Sheriff over see's both Terry Marcum and
Myrtis Moss. Terry Marcum as jail admin (chief) over
see's Myrtis Moss. Myrtis Moss as Captain over see's
Pell City Jail, St. Clair County and all its "jailers"

1. No "Due Process". At the Pell City jail, any jailer can lock in inmate in his cell for "lock down" and decide how many days that lock down will last. No hearing is held, no review made. The inmate has no rights to make a statement in his defence. The lock down is 23 hours a day. No statement of rule broken is made or given to the inmate

RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

1. Order Due Process hearings for inmates with a review team to over see hearing actions, with appeal process for inmates
2. Order that all meals be at temperature needed to be fit to eat, with tray not stacked on top of one another
3. Order jail to set up law library with law books to cover Felony Cases. Award \$10,000.00 damage to plaintiff on all 3 claims.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on

July 23²⁰⁰⁵

2005

Daniel Emerson

Signature(s)

Statement of Claim (cont)

2. Meals are placed inside a food cart, this cart is then pushed to each unit door for the trays to be passed out. The trays are open-faced and stacked in the cart. All meals are cold as the heating unit does not work therefore food never reached temperature it is meant to have.
3. The law library is across the road from the jail in the courthouse. Inmates are told they can request to go over. These request go unanswered, therefore there is truly no law library for inmates to use in a pending case.